

**REMARKS**

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

Claims 1-7 were pending in this application. In this response, claim 2 has been amended and claims 8-18 have been added. Thus, claims 1-18 remain pending.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims. Claim 2 has been amended only to remove a reference numeral. New claims 8-18 represent claims 2-6 in varying dependence from different claims and do not represent substantive amendments.

***REJECTIONS UNDER 35 U.S.C. § 102***

Claims 1, 2 and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,948,889 to Arvidsson (hereafter "*Arvidsson*") on the grounds set forth at page 2 of the Official Action.

First, it is respectfully noted that this reference does not qualify as prior art under 35 U.S.C. § 102(b).

U.S. Patent No. 6,948,889 to Arvidsson issued as a patent on September 27, 2005, based on an application filed on March 21, 2003. The present application is a national stage filing of PCT/SE2005/000104, designated the United States, and was filed in the International Bureau on January 28, 2005. Thus, the filing date of this application in the United States is considered to be the international filing date, i.e., January 28, 2005 (see, Article 11(3) and 35 U.S.C. § 363).

Comparing the issued date of U.S. Patent No. 6,948,889 to Arvidsson, i.e., September 27, 2005, to the filing date of the present application, i.e., January 28, 2005, it is clear that U.S. Patent No. 6,948,889 to Arvidsson issued after the filing date. Thus, the only statutory basis by which the document U.S. Patent No. 6,948,889 to Arvidsson is prior art to the present application is under 35 U.S.C. § 102(e).

Second, the rejection based on *Arvidsson* is respectfully traversed because the reference does not disclose, either expressly or inherently, all of the features of each of the independent claims 1, 2 and 7, as required by an anticipation rejection.

The present disclosure is to a cutting tool, a part of a cutting tool and a method in which, among other things, surfaces of ridges (or tops) and grooves co-operate at a connecting surface. The disclosure relates that the widths of two or more grooves, one after the other in a series, increase progressively from a first groove to a last one in the series, while the predetermined pitch between the grooves is preserved (page 4, lines 17-20). Furthermore, this width enlargement compensates for tolerance errors in a heretofore not known way to not affect the space geometrical position of the cutting edge, because the form errors are absorbed by the successively wider and wider grooves in the serration connecting surface that forms the insert seat, and provides a substantial advantage (page 9, lines 19 et seq.).

The above general characteristics are embodied in each of the independent claims.

Independent claim 1 recites:

1. Cutting tool, comprising two parts having cooperating connecting surfaces of serration type, which individually comprises a plurality of ridges or tops, which are mutually separated by grooves, the pitch between the ridges in the respective connecting surfaces being one and the same, wherein the widths of two or more grooves positioned one after the other in a series in

one of the connecting surfaces increase progressively from a first groove to a last groove in the series.

Independent claim 2 recites:

2. Part of a cutting tool, comprising an insert seat in the form of a serration connecting surface intended for receipt of a cutting insert, which surface includes a plurality of ridges, which are mutually separated by grooves, and have a given pitch, wherein the widths of two or more grooves positioned one after the other in a series increase progressively from a first groove to a last groove in the series, with unchanged pitch between the ridges.

Independent claim 7 recites:

Method in the manufacture of a part intended for cutting tools and of the type that comprises an insert seat intended for receipt of a cutting insert and being in the form of a serration connecting surface, which comprises a plurality of ridges or tops that are mutually separated by grooves, the pitch between the ridges being given, wherein the connecting surface is formed so that the widths of two or more grooves positioned one after the other in a series increase progressively from a first groove to a last groove in the series, without the given pitch between the ridges being changed.

*Arvidsson* discloses a cutting insert and a tool with a holder which have respective connecting surfaces arranged to engage each other. The connecting surfaces are a groove and a ridge. Both the ridge and groove are in the shape of curves as viewed in a direction perpendicular to the respective connecting surface, although this may vary from a curved shape with another closed curve shapes other than precisely a circular and polygon-like (col. 6, lines 13-18).

To anticipate a claim, the reference must teach every element of the claim. See MPEP § 2131. Comparing the disclosure in *Arvidsson* to the claims of the present application at issue here, the *Arvidsson* patent does not disclose, either expressly or inherently, at least the claimed feature of:

the widths of two or more grooves positioned one after the other in a series in one of the connecting surfaces increase progressively from a first groove to a last groove in the series (claim 1); and

the widths of two or more grooves positioned one after the other in a series increase progressively from a first groove to a last groove in the series (claim 2 and claim 7)

In regard to the reference in the Official Action to col. 6, lines 13-18 of *Arvidsson*, it is respectfully asserted that this disclosure does not support the interpretation in the rejection that “*Arvidsson* (‘889) also discloses the widths of two or more grooves positioned one after the other in a series... increase progressively from a first groove to a last groove in the series.” Rather, here *Arvidsson* is talking about the geometric path of the ridge/groove and not the width of any one groove, not to mention the width of any two or more grooves positioned one after another.

In regard to FIGS. 9-11, none of these drawings show the claimed width relationship. Furthermore, reliance on such figures is not proper. MPEP § 2125 outlines the examination rules for use of drawings as prior art. As stated there, proportions of features in a drawing are not evidence of actual proportions when drawings are not to scale. The MPEP further states that “when a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurements of the drawing figures are of little value.” Here, the disclosure in *Arvidsson* does not indicate the drawings are to scale and does not provide dimensions. Therefore, reliance on the drawings to show the claimed width relationship as relied upon in the rejection is improper. Such a basis for the rejection should be withdrawn.

From the above, it is respectfully asserted that *Arvidsson* does not disclose the above noted features. In light of at least this difference, Applicants respectfully submit that an anticipatory rejection of each of claims 1, 2 and 7 is improper since *Arvidsson* does not disclose the invention as claimed.

Moreover, even if the passage at col. 6, lines 13-18 or FIGS. 9-11 in *Arvidsson* did suggest modifying the width, there is no basis for the claimed widths in a series increasing “progressively from a first groove to a last groove in the series” as claimed. Such an assertion by the Examiner can only arise based on hindsight analysis and with the knowledge of Applicants own disclosure. Given the complete lack of such disclosure in *Arvidsson*, any attempt to modify or find inherent in the disclosure to arrive at such a feature could only come from hindsight and not from any teaching or suggestion in the references themselves or any other source. This is clearly improper. Accordingly, Applicants respectfully submit that an anticipatory rejection of each of claims 1, 2 and 7 is improper since *Arvidsson* does not disclose the invention as claimed.

### ***REJECTIONS UNDER 35 U.S.C. § 103***

Claims 3-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Arvidsson* on the grounds set forth at page 3 of the Official Action. This rejection is respectfully traversed.

These claims each depend from an independent claim discussed above with respect to the rejection based on *Arvidsson*. To the extent that *Arvidsson* does not show at least the above noted features, the rejection here without inclusion of another disclosure or relied upon teaching, also does not disclose the above-identified missing features. Further, the rejection has not established obviousness with respect to the above-identified missing features and, moreover, does not address such a missing feature at all. Accordingly, obviousness has not been established and reconsideration and withdrawal of these rejections are respectfully requested.

**CONCLUSION**

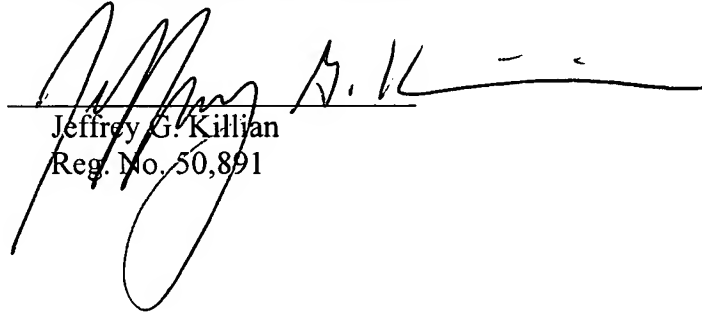
From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

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